

REMARKS

The present application has been reviewed in light of the Office Action dated November 4, 2010. Claims 1, 3, 5-9, 16, and 27 are presented for examination, of which Claims 1 and 16 are in independent form. Claims 2, 4, 10-15, 17-26, 28, and 29 have been cancelled, without prejudice or disclaimer of the subject matter presented therein. Claims 1, 3, 5-9, 16 and 27 have been amended to define aspects of Applicant's invention more clearly. Favorable reconsideration is requested.

Cancellation of Claims 2, 4, 10-15, 17-26, 28, and 29, renders their rejections moot.

Claims 24-29 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicant has carefully reviewed and amended Claim 27 as deemed necessary to ensure that it conforms fully to the requirements of Section 101, with special attention to the points raised in paragraph 1 of the Office Action. It is believed that the rejection under Section 101 has been obviated, and its withdrawal is therefore respectfully requested.

Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended Claim 6, as deemed necessary, to ensure that it conforms fully to the requirements of Section 112, second paragraph, with special attention to the points raised in section 3 of the Office Action. Particularly Claim 6 has been amended to now depend from Claim 3 which provides antecedent basis for the limitation "difference". It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

The Examiner is thanked for the courtesies extended during the telephonic interview held on February 4, 2011 to discuss the second instance of "Allowable Subject

Matter” indicated in point 1 on page 22 of the Office Action. Applicant understands that the second instance of “Allowable Subject Matter” should be disregarded. It is believed that this summary represents a complete written statement as to the substance of the interview, in accordance with M.P.E.P. § 713.04.

Applicant gratefully acknowledges the indication that Claim 9 includes allowable subject matter would be allowable if rewritten so as not to depend from a rejected claim. Claim 9 has not been so rewritten at this time, because for the reasons given below, its base claim is believed to be allowable.

The Office Action states that Claims 1-2, 5 and 16-17 are rejected under § 103(a) as being unpatentable over the article by Zhang et al. entitled “Dynamic Selection and Effective Compression of Key Frames for Video Abstraction”, Pattern Recognition Letters, vol. 24, pp. 1523-1532 (2003) (“*Zhang*”); Claim 3 stands rejected under § 103(a) as being unpatentable over *Zhang* in view of U.S. Patent No. 6,342,904 (*Vasudevan*); Claim 4 stands rejected under § 103(a) as being unpatentable over *Zhang* in view of U.S. Patent Appln. Pub. No. 20050028213 (“*Adler*”); Claim 6 stands rejected under § 103(a) as being unpatentable over *Zhang* in view of *Vasudevan*, and further in view of Official Notice; Claims 7-8 stand rejected under § 103(a) as being unpatentable over *Zhang* in view of *Vasudevan*, and further in view of U.S. Patent No. 6,782,049 (“*Dufaux*”); Claims 10-13 and 18-21 stand rejected under § 103(a) as being unpatentable over the article by Tudor, P.N. entitled “Tutorial MPEG-2 Video Compression”, Electronics and Communication Engineering Journal, IEEE, vol. 7, No. 6, pp. 257-264 (1995) (“*Tudor*”) in view of Official Notices; and that Claims 14-15 and 22-23 stand rejected under § 103(a) as being unpatentable over an article by Richardson entitled “H.264 and MPEG-4 Video

Compression: Video Coding for Next-generation Multimedia”, John Wiley & Sons, Ltd., (2003) (“*Richardson*”) in view of *Zhang*.

Applicant submits that independent Claims 1 and 16, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

A notable feature of Claim 1 is “...setting, as a representative image, an image of a self frame, which has a smallest sum total value of differences from a group of images of other frames in each of the sections divided by said section division means.” A representative image set for the divided section is thus one which has a smallest sum total value of differences from a group of images of other frames in the divided section. It follows that the representative image having the smallest sum total value in the divided section is starkly different from a frame image being closest to the centroid, which *Adler* is understood to disclose. *See Adler*, paragraph [0042] (“the frame that is closest to the centroid is chosen to be the key frame for the cluster”).

Adler thus fails to teach, suggest or otherwise result in a technique for setting as the representative image for the divided section, an image which has a smallest sum total value of differences from a group of images of other frames in the divided section.

Accordingly, Applicant submits that a combination of *Zhang* and *Adler*, assuming such combination would even be permissible, would fail to teach or suggest “...setting, as a representative image, an image of a self frame, which has a smallest sum total value of differences from a group of images of other frames in each of the sections divided by said section division means,” as recited in Claim 1. Accordingly, Applicant

submits that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Independent Claim 16 includes a feature similar to that discussed above with respect to Claim 1. Therefore, Claim 16 is also believed to be patentable for at least the reasons. The other rejected claims in the present application depend from one or another of independent Claims 1 and 16 and therefore are submitted to be patentable for at least the same reasons. However, because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and an early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should be directed to our address listed below.

Respectfully submitted,

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